

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-120

LYLE J. SWEENEY, III,

Defendant.

DECISION

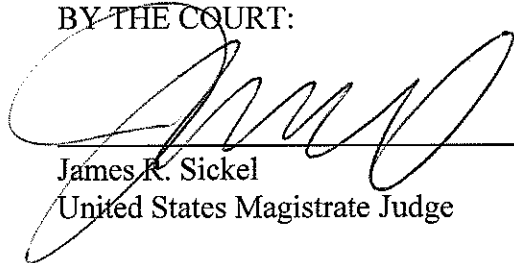
The Court has reviewed the Motion to Vacate Order of Detention in Favor of Release on Conditions filed by the Defendant, Lyle J. Sweeney, III. The Court has considered the arguments of counsel for the Defendant and is aware that the Defendant now, as opposed to the time of the hearing held July 7, 2008, has a plan for release, i.e. to reside with his mother at 1842 Evans Street, Apartment 2, Oshkosh, Wisconsin, with electronic monitoring at that address. The Court further understands the Defendant will abide by additional conditions that the Court may deem appropriate like attending weekly Alcoholics Anonymous (AA) meetings.

The Court has also reviewed the Wisconsin Circuit Court Access printout indicating the defendant was charged with a Felony, Class H, with Offense Date of 6/21/2008, a Strangulation and Suffocation charge under Wis. Stat. §940.235(1) and the charge has a Domestic Abuse Repeater. Mr. Sweeney is also charged with a count of Disorderly Conduct, Domestic Abuse. These charges emulated from an incident that occurred on June 21, 2008, at which time the Defendant was released on Conditions set on May 9, 2008. The first condition included the requirement that he “not commit

any offense in violation of federal, state or local law while on release in this case.” This incident occurred during such period of time when those conditions were in effect and, in the opinion of the Court, demonstrates that the Defendant is a danger to the public. Therefore, the Court will not vacate the Order of Detention in this matter.

Dated at Green Bay, Wisconsin, this 28 day of July, 2008.

BY THE COURT:



James R. Sickel
United States Magistrate Judge